

Separate Comments from Mark Algazy, Subgroup member.

While I have spent an enormous amount of energy over the last year in helping the Subgroup to best express that which the members wished to put into the final report, my misgivings about the report itself have only grown over the last few months. As I sit here on the eve of its submission to the DAC, I believe that my personal ethos require that put my concerns to paper.

1. The mission statement for the Subgroup was not clearly defined at the outset by the BLM. I do not fault them for this, it is just a logical consequence of a hastily devised plan. I made my first attempt to dissect the BLM's own language into a provisional mission statement in an e-mail dated 3-11-12.
2. There were in actuality several possible missions to choose from when we started. These included participation in EIS-level range of alternative scoping, as well as participation in developing route-specific minimization techniques. I specifically mentioned these options in a lengthy e-mail on 3-25-12. In an e-mail 4-15-12, I mentioned that we were still struggling to define our mission.
3. I personally continued to struggle with our exact mission throughout the process, and made yet another attempt to define the subgroup's mission earlier this year. In three parts, this would be to
 - a. identify the various interest-based opportunities within each of the TMAs, current access notwithstanding;
 - b. identify their value to a network of opportunity for the various user groups, and
 - c. suggest to the BLM both policy and management level ideas that would increase the long-term viability of our proposed route network.
4. The mission statement we eventually publicly voted on last year was nothing like this.
5. We proceeded to collect data anyways, knowing that the clock was ticking on our project deadline. Data collection was definitely one of the main objectives, but the collection, and the input we garnered through the taskgroup process, could have been better focused with a more well-defined mission.
6. The draft report that was eventually generated did not reflect the original mission statement we voted on.
7. The group decided to rewrite the mission statement so that it would reflect the work product that was generated. It is an unfortunate fact of life that this commonly occurs. The meeting where this happened was held on February 23rd. I was not able to attend, though I provided two e-mails on talking points in the days just prior to that meeting.
8. I indicated my concern at that point that the work product did not have a sufficient nexus to what I believed the mission was supposed to be in an e-mail dated 2-14-13.
9. I do not believe the subgroup ended up fulfilling the mission that was expected of it: to provide a series of proposed route networks for the WEMO.
10. Further, I do not believe that the route networks recommended in the report have been properly supported by the report.
11. I do not believe there is a clear and compelling case in the report for each of the routes in each of the TMAs to be an integral part of a route network.
12. What the report does provide is a rational basis for retaining public access on already disturbed lands based on historic use for recreational, scientific and commercial purposes.
13. Because the report continues to focus attention on the court's concern that minimization strategies needed to be provided, several members of the subgroup are upset that there were not specific targeted strategies aimed at specifically targeted routes and areas. In hindsight, it probably would have been better for the subgroup to have taken the position of either avoiding the subject, or mentioning a specific reason [or reasons] for not providing this discussion.[e.g.

Deference to the expertise of Bureau personnel on this point, or lack of qualified individuals within the subgroup to provide input]

I do not share the belief of some that the Subgroup was required to visit much less develop specific minimization techniques, although I cannot discount the premise that a route network that acknowledged route-specific environmental concerns, and included targeted minimization strategies would be more viable than a network without them.

14. I believe the report has validity nonetheless.
15. The viability of any route network will depend in large part on the management strategies used to impliment and maintain it. Accordingly, a report that is short on justification for specific networks, but more expansive on management strategies still provides the Bureau with good raw data from which to continue developing route networks that better reflect the public's interests in these areas.
16. Thus the report becomes an important COMPONENT of a route network strategy that still needs to be further developed, incorporating both better-defined connections between routes and networks, and targeted minimization strategies that acknowledge the particular needs of specific routes and areas.
17. As far as my personal observations:, I think that there are several parts of this report that are flawed.
18. First, the report repeatedly includes mention of group-based findings that were never even discussed by the group, much less resolved into mutually agreed upon 'findings.' I find this personally offensive. I attended virtually every meeting, and read every personal communication directed to my attention, and can still attest that many of the subgroup 'findings' I read in this report I had no recollection of. Compounding this problem, to the extent that the report encourages a more expansive route network than currently exists, this creates the impression that every member agreed to every route addition in the report, when the truth is that virtually every member of this subgroup expressed at some point a lack of ANY direct knowledge about large areas under the group's consideration. The final report however does not properly reflect this.
19. Second, I believe the report in some respects reflects an ends-justify-the means mentality. For example, I believe most of the management strategies developed and contained in this report would be more appropriately contained as components of an EIS. However, the subgroup was not tasked with providing input on management strategies for an EIS. However, to give the group credit, our mission statement was ill-defined, the BLM had not committed to an EIS at that point, and I concur in the belief that a network without a strategy makes as little sense in the real world as an unfunded mandate. In that context, I support the inclusion of management strategies. But I do not support their inclusion in lieu of more robust support for the routes themselves.
20. As another example of ends-justify-the means mentality I note that on many of the routes proposed for inclusion in this new network, access for all of the public is 'riding on the coattails' so to speak on access for research purposes. While I fully support continuing access across previously disturbed lands for research purposes, it does not logically and necessarily follow that these routes need to be made available to all. The BLM currently has the means to grant administrative access through the permit process into 'closed' areas.
21. In defense of the report's approach of including routes that could conceivably be served through the administrative process, it is fair to note that the BLM's current proceedings for granting administrative access are FAR from transparant, and the lack of transparency makes everyone, myself included, suspicious that standards may be amorphous, or not applied evenly across a level playing field. With that in mind, it at least becomes understandable why members of the subgroup would chose instead to place these routes into a proposed network.

2

22. Accordingly, it is my opinion that as the Bureau moves forwards on a new EIS for the WEMO, that it include provisions for refining and clarifying the processes for administrative access so that they stand directly ALONGSIDE the final route network so that TOGETHER they provide a comprehensive plan for access that can address the widest range of needs without creating the potential for resource degradation through a network that can be partially served through transparent administrative process.
23. Since the deadline for submitting comments like these for discussion and possible inclusion in the report had already passed, it seemed appropriate to include them in a separate statement
24. Based on all of the forgoing, I can only concur in parts of this report, dissent as noted, and do not wish to have my name attached to this report unless my dissent is fully and accurately noted.